

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Newport News Division

MARTIN J. WALSH, *Secretary of Labor,*
United States Department of Labor,

Plaintiff,

v.

Civil No. 4:14cv93

MERRYMAN GROUNDS MAINTENANCE, INC.

and

DAVID MERRYMAN, *individually,*

Defendants.

ORDER

This matter is before the Court on a second motion for release filed by Defendants Merryman Grounds Maintenance, Inc. and David Merryman ("Defendants"). ECF No. 57. Defendants ask this Court to release Defendant David Merryman from civil contempt custody because Defendants have completed all three tasks they were obligated to complete before the Court would order Defendant Merryman's release. Plaintiff agrees that Defendants have satisfied their obligations and is amenable with the Court releasing Defendant Merryman from custody. Id. at 2. To ensure full compliance with Defendants' remaining obligations under the Court's Second Contempt Order, however, Plaintiff recommends that the Court place Defendant Merryman on home confinement. Id. at 3. Defendants agree with Plaintiff's recommendation. Id. at 3-4.

In light of these new developments, the Court finds that further incarceration is not necessary to secure full compliance. Rather, in the Court's view, home confinement is sufficient to ensure that Defendants satisfy their remaining obligations. The Court therefore **GRANTS** Defendants' motion and **ORDERS** that Defendant Merryman be released from civil contempt custody and placed on home confinement via electronic monitoring at his home located in Hampton, Virginia; and, from anytime between 8:00 a.m. to 6:00 p.m., his office located at Ranhorne Court in Hampton, Virginia. The Court further **ORDERS** that Defendant Merryman remain on home confinement until Defendants come into full compliance with the Court's Second Contempt Order by (1) fully responding to Plaintiff's interrogatories under oath; (2) producing an employee list; and (3) providing any and all additional time and payroll records, or if such records do not exist, a statement under oath to that effect.

Upon full compliance with the Court's Second Contempt Order, either party may file a motion requesting the termination of Defendant Merryman's home confinement. Counsel should confer prior to filing the motion to determine whether it is unopposed. If it is, the motion should reflect that fact.

The Clerk is **REQUESTED** to forward a copy of this Order to counsel for Defendants, counsel for Plaintiff, and the United States Marshals Service.

IT IS SO ORDERED.

/s/ 

Mark S. Davis
CHIEF UNITED STATES DISTRICT JUDGE

Norfolk, Virginia
June 13, 2022